

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JANELL CRAIG,

Plaintiff,

v.

HAL ANTELLIN N.V., a Netherlands Antilles
corporation; HOLLAND AMERICA LINE
N.V., a Netherlands Antilles corporation;
HOLLAND AMERICA LIN - USA, INC., a
Washington corporation; and HOLLAND
AMERICA LINE INC., a Washington
corporation,

Defendants *in personam*,

and

M/S ZAANDAM, her engines, tackle, apparel,
etc.

Defendant *in rem*.

No. 10-01496

**ANSWER TO COMPLAINT FOR
DAMAGES**

COME NOW defendants HAL ANTILLEN N.V.; HOLLAND AMERICA LINE
N.V.; HOLLAND AMERICA LINE – USA, INC.; and HOLLAND AMERICA LINE INC.
by and through their attorneys, and respond to plaintiff’s Complaint as follows:

I. PARTIES

1.1 Admit.

1.2 Admit.

1.3 Admit.

1.4 Admit.

1.5 Admit.

1.6 Deny.

1.7 The allegations contained in paragraph 1.7 do not require an answer. To the
extent an answer is deemed necessary, deny.

II. JURISDICTION AND VENUE

2.1 Admit.

2.2 Admit.

2.3 Admit.

2.4 Admit.

2.5 Admit.

III. FACTS

3.1 Defendants re-assert as if fully stated herein, their responses to paragraphs 1-
2.5 above.

1 3.2 Admit that plaintiff reported sustaining injuries while aboard the ship, but deny
2 the remaining allegations for lack of knowledge.

3 3.3 Deny.

4 3.4 Deny for lack of knowledge.

5 3.5 Deny for lack of knowledge

6 **IV. CAUSE OF ACTION – NEGLIGENCE**

7 4.1 Defendants re-assert as if fully stated herein, their responses to paragraphs 1-
8 3.5 above.

9 4.2 Defendants deny that these allegations constitute an accurate statement of the
10 law.

11 4.3 Deny.

12 4.4 Deny.

13 **V. DAMAGES**

14 5.1 Deny.

15 5.2 Deny.

16 5.3 Deny.

17 5.4 Deny.

18 5.5 Deny.

19 5.6 Deny.

20 **JURY DEMAND**

21 This allegation does not require a response from answering defendants.

22 **VII. PRAYER FOR RELIEF**

1 Defendants deny plaintiff's prayer for relief in its entirety, including subparagraphs A
2 through E.

3 **FURTHER AND ADDITIONAL DEFENSES, INCLUDING AFFIRMATIVE**
4 **DEFENSES**

5 By way of further answer, including affirmative defenses, Defendants allege as
6 follows:

- 7 1. Plaintiff's Complaint fails, in whole or in part, to state a claim upon which
8 relief can be granted.
- 9 2. Plaintiff's claims are barred and/or limited by contract.
- 10 3. Plaintiff's damages, if any, were proximately caused, in whole or in part, by
11 plaintiff's negligence.
- 12 4. Plaintiff assumed the risk.
- 13 5. Plaintiff's damages, if any, were proximately caused, in whole or in part, by
14 the negligence of third party(ies).
- 15 6. Plaintiff's damages, if any, were proximately caused, in whole or in part, by a
16 superseding cause(s).
- 17 7. Plaintiff has failed to mitigate her damages.
- 18 8. To the extent defendants have made any payments to or on behalf of plaintiff,
19 defendants are entitled to a set-off.
- 20 9. Defendants reserve the right to add additional affirmative defenses as
21 discovery develops.

22 ///

1 ///

2 ///

3 WHEREFORE, Defendants pray that plaintiff's Complaint be dismissed with
4 prejudice at her own cost and expense, and for all other general and equitable relief to which
5 defendant may be entitled.
6

7
8 DATED this 24th day of September, 2010.
9

10 s/Louis A. Shields

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18 Attorneys for Defendants
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CERTIFICATE OF SERVICE

I hereby certify that on September 24, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Michael David Myers, Esq.
Myers & Company, PLLC
1530 Eastlake Avenue East
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J. Stephen Simms
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I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at Seattle, Washington this 24th day of September, 2010.

Sheila Baskins

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